

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10016 of 2024

Dr. Shashi Kala Wife of Praveen Kumar Singh (Daughter of (Prof.) S.P. Singh), Resident of Flat no. 2B (2nd Floor), Block-A, Shiv Ganga Apartment, Babupur More, P.S.-Sabour, District-Bhagalpur-813210.

... .. Petitioner/s

Versus

1. The Vice Chancellor Bihar Agriculture University, Sabour, Bhagalpur, 813210.
2. The Director (Administration), Bihar Agriculture University, Sabour, Bhagalpur, 813210.
3. The Dy. Director (Administration), Bihar Agriculture University, Sabour, Bhagalpur, 813210.
4. The Dean (Agriculture), Bihar Agriculture University, Sabour, Bhagalpur, 813210.
5. The Associate Dean-Cum-Principal, Bihar Agriculture College, Bihar Agriculture University, Sabour, Bhagalpur, 813210.
6. The Chairman, Department of Food Science and Postharvest Technology, Bihar Agriculture College, Bihar Agriculture University, Sabour, Bhagalpur, 813210.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Karn

For the Respondent/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 02-07-2024 1. The petitioner has challenged the letter dated 08.04.2024 bearing letter no. NI.PR./F395/39 issued by the Director (Administration) whereby the petitioner has been directed to join at her transferred post in Dr. Kalam Agricultural College, Kishanganj in the light of Office Order No. 345, Memo No. 1742 dated 29.01.2019 issued by Bihar Agriculture University.
2. Learned counsel for the petitioner submits that by order



dated 29.01.2019 having Memo No. 1742 the petitioner was transferred on deputation by the Director (Administration), Bihar Agriculture University, Sabour, Bhagalpur. The services of the petitioner was sent on deputation from P.G. Faculty, Department of Food Science & Post Harvest Technology, Bihar Agriculture University to a non-existing and non-assigned post of Assistant Professor- cum-Junior Scientist at Dr. Kalam Agricultural College, Kishanganj. There is no P.G. teaching and research work in the said College. The order of deputation / transfer was arbitrary and in fact Dr. Kalam Agricultural College, Kishanganj is an Under Graduate College.

3. In the aforesaid circumstances, the petitioner filed a writ application before this Court bearing C.W.J.C. No. 1217 of 2020. The aforesaid writ application was dismissed as not pressed on 01.03.2024 on the basis of submission of learned counsel appearing for the petitioner that the writ petition was being withdrawn on the assurance of the concerned University that grievance of the petitioner would be redressed. The order passed by this Court was sent to the University by mail on the same day by the petitioner and subsequently the petitioner filed representation on 15.04.2024, however, the University issued a letter dated 08.04.2024 directing the petitioner to join at the



transferred place pursuant to the order dated 29.01.2019 and also submit an affidavit on non - judicial stamp paper stating that the petitioner would fully co-operate in the departmental proceeding initiated against her for unauthorized absence since February, 2019.

4. Learned counsel for the University submits that petitioner after filing of the writ application against the order of deputation / transfer dated 29.01.2019 remained absent for about five years and unilaterally made a statement before this Court that University has assured to redress the grievance of the petitioner and withdrew the writ application. For unauthorized absence of the petitioner for a long period, a departmental proceeding has been initiated against her by the University in which she never appeared and did not co-operate. Accordingly, the University has issued the impugned letter dated 08.04.2024 directing the petitioner to firstly join at the transferred place and to co-operate in the departmental proceeding. The letter further states that University would pass a reasoned order in view of the order dt: 01.03.2024 passed by this Court in CWJC No. 1217 / 2020 and the representation in this regard having been filed by the petitioner.

5. Having heard learned counsel for the parties and after



perusal of the impugned order as well as the order passed by this Court on 01.03.2024 it transpires that the petitioner did not follow the order of deputation / transfer dated 29.01.2019 and remained absent from her services. She did not join the transferred post for about more than five years. There was no stay order of this Court in favour of the petitioner in the earlier writ application bearing C.W.J.C. No. 1217 of 2020.

6. In this background, the impugned order dated 08.04.2024 cannot be said to be arbitrary and unreasonable. The University has mentioned in the letter dated 08.04.2024 that after the petitioner joins her transferred post at Dr. Kalam Agricultural College, Kishanganj and submits the undertaking to co-operate in the departmental proceeding, the University would pass a speaking order in accordance with law.

7. Accordingly, the writ application is disposed with liberty to the petitioner to follow the condition nos. (1) & (2) as mentioned in the letter dated 08.04.2024 issued by the Director Administration of the University with further direction to the University to pass a speaking order on the representation of the petitioner dated 15.04.2024 (Annexure- 19) within a period of three months from the date of joining of the petitioner on the transferred post and submission of affidavit by her as per



condition no. (2) of the aforesaid letter dated 08.04.2024.

(Anil Kumar Sinha, J)

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